



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
February 28, 2022 - March 4, 2022

DENIALS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
<u>Knoxville</u>			
PRYORITY PARTNERSHIP v. AMT PROPERTIES, LLC ET AL. E2020-00511-SC-R11-CV	Hamilton County Circuit Court Kyle E. Hedrick 17C1340	Frierson II, Thomas R.: Affirm	Dismissed As Improvidently Granted; Application of Priority Partnership, Opinion of Court of Appeals designated "Not For Citation" in accordance with Supreme Court Rule 4(E); Order filed 3/4/2022 - (See Attached Order)

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

FILED
03/04/2022
Clerk of the
Appellate Courts

PRYORITY PARTNERSHIP v. AMT PROPERTIES, LLC ET AL.

**Circuit Court for Hamilton County
No. 17C1340**

No. E2020-00511-SC-R11-CV

ORDER

By order filed August 6, 2021, the Court granted the application for permission to appeal of Pryority Partnership with respect to two issues only:

1. Whether the affirmative defense of comparative fault is applicable to a negligent misrepresentation cause of action in which the conduct of the plaintiff constituting the basis for that defense also pertains to the justifiable reliance element of the negligent misrepresentation cause of action?
2. Whether the rules of contract construction may be applied to an ambiguous contractual attorney's fee provision to determine the intent of that provision and conclude that it is enforceable?

The Court denied review with respect to the issue of the amount of damages for the breach of lease claim.

By order filed January 27, 2022, the Court directed the parties to file supplemental briefs addressing the following question:

Is it appropriate or necessary for this Court to consider Issue 1 related to the negligent misrepresentation claim in light of 1) the trial court's award of the same amount of damages for the breach of lease and negligent misrepresentation claims; 2) Pryority Partnership's decision not to appeal the trial court's judgment that Pryority materially breached the lease; 3) the Court of Appeals' judgment affirming the trial court's award of damages for the breach of lease claim; and 4) this Court's denial of Pryority's application for permission to appeal the issue of the amount of damages for the breach of lease claim?

The parties have filed their respective supplemental briefs. While the parties agree that Issue 1 related to the negligent misrepresentation claim is moot, they disagree as to whether the public interest exception to the mootness doctrine is applicable and so as to whether it is appropriate for the Court to consider Issue 1.

Having carefully considered the supplemental briefs of the parties and the entire record in this appeal, the Court concludes that the public interest exception to the mootness doctrine is not implicated and that review of Issue 1 is not appropriate. The Court further concludes that review in this case was improvidently granted. Accordingly, this appeal is hereby DISMISSED.

The opinion of the Court of Appeals is designated “Not For Citation” in accordance with Supreme Court Rule 4, § E.

PER CURIAM